

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Bryan K. Kelly
Debtor(s)

Bankruptcy Case No.: 20-22931-GLT
Issued Per Apr. 29, 2021 Proceeding
Chapter: 13
Docket No.: 36 – 18, 29
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 11, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,248 as of May 2021. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PA Department of Revenue (Claim No. 6); Flagstar Bank FSB (Claim No. 10) .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: April 30, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Bryan K. Kelly
Debtor

Case No. 20-22931-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Apr 30, 2021

User: jhel
Form ID: 149

Page 1 of 3
Total Noticed: 27

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 02, 2021:

Recip ID	Recipient Name and Address
db	+ Bryan K. Kelly, 514 Washington Street, Belle Vernon, PA 15012-1230
cr	+ Peoples Natural Gas Company LLC, GRB Law, Frick Building, 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6101
15299124	Associated Credit Services, Inc., 115 Flanders Road, Suite 140, P.O. Box 5171, Westborough, MA 01581-5171
15299126	+ Dynamic Recovery Solutions, 135 Interstate Blvd., Suite 6, Greenville, SC 29615-5720
15310307	+ Fayette CO DRS, 22 E Main Street, Uniontown, PA 15401-3400
15310308	+ First Premier Bank, Attn: Bankruptcy, PO Box 5524, Sioux Falls, SD 57117-5524
15310354	+ Mariner Finance, LLC, 8211 Town Center Drive, Nottingham, MD 21236-5904
15299127	MedExpress Billing, P.O. Box 14000, Belfast, ME 04915-4033
15310312	+ Mercury/FBT, Attn: Bankruptcy, PO Box 84064, Columbus, GA 31908-4064
15299128	Office of UC Benefits, P.O. Box 67503, Harrisburg, PA 17106-7503
15299129	+ Penn Credit Corporation, 2800 Commerce Drive, Harrisburg, PA 17110-9307
15310417	+ Peoples Natural Gas Company LLC, c/o GRB Law, 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6101
15307612	Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438

TOTAL: 13

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	May 01 2021 03:18:56	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15310304	+ Email/Text: bankruptcy@cavps.com	May 01 2021 03:44:00	Cavalry SPV I, LLC, as Assignee of Synchrony Bank/Walmart, 500 Summit Lake Drive, Suite 400, Valhalla, NY 10595-2321
15299822	+ Email/Text: bankruptcy@cavps.com	May 01 2021 03:44:00	Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
15310305	+ Email/PDF: creditonebknottifications@resurgent.com	May 01 2021 03:18:53	Credit One Bank, Attn: Bankruptcy Department, PO Box 98873, Las Vegas, NV 89193-8873
15299125	Email/PDF: creditonebknottifications@resurgent.com	May 01 2021 03:17:01	Credit One Bank, P.O. Box 60500, City of Industry, CA 91716-0500
15319802	Email/Text: cashiering-administrationservices@flagstar.com	May 01 2021 03:44:00	Flagstar Bank FSB, 5151 Corporate Drive, Troy, MI 48098
15310309	+ Email/Text: cashiering-administrationservices@flagstar.com	May 01 2021 03:44:00	Flagstar Bank, Attn: Bankruptcy, 5151 Corporate Drive, Troy, MI 48098-2639
15301392	Email/PDF: resurgentbknottifications@resurgent.com	May 01 2021 03:17:06	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15299130	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	May 01 2021 03:18:56	Portfolio Recovery Associates, LLC, P.O. Box 12914, Norfolk, VA 23541
15310720	Email/Text: RVSVCBICNOTICE1@state.pa.us	May 01 2021 03:43:00	Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946, Harrisburg, PA 17128-0946
15316302	+ Email/Text: JCAP_BNC_Notices@jcap.com		

District/off: 0315-2

User: jhel

Page 2 of 3

Date Rcvd: Apr 30, 2021

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		May 01 2021 03:44:00	Premier Bankcard, Llc, Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
15320392	Email/Text: bnc-quantum@quantum3group.com	May 01 2021 03:43:00	Quantum3 Group LLC as agent for, Velocity Investments LLC, PO Box 788, Kirkland, WA 98083-0788
15299390	+ Email/PDF: gecsedl@recoverycorp.com	May 01 2021 03:16:53	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15320588	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	May 01 2021 03:17:08	Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 14

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		LAKEVIEW LOAN SERVICING, LLC
15310303	*	Associated Credit Services, Inc., 115 Flanders Road, Suite 140, P.O. Box 5171, Westborough, MA 01581-5171
15310306	*+	Dynamic Recovery Solutions, 135 Interstate Blvd., Suite 6, Greenville, SC 29615-5720
15310310	*	LVNV Funding, LLC, Resurgent Capital Services, P.O. Box 10587, Greenville, SC 29603-0587
15310311	*	MedExpress Billing, P.O. Box 14000, Belfast, ME 04915-4033
15310313	*	Office of UC Benefits, P.O. Box 67503, Harrisburg, PA 17106-7503
15310315	*P++	PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067, address filed with court; Portfolio Recovery Associates, LLC, P.O. Box 12914, Norfolk, VA 23541
15319276	*P++	PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067, address filed with court; Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
15310314	*+	Penn Credit Corporation, 2800 Commerce Drive, Harrisburg, PA 17110-9307
15310316	*	Wells Fargo Bank, N.A., P.O. Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438

TOTAL: 1 Undeliverable, 9 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 02, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 30, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor LAKEVIEW LOAN SERVICING LLC bnicholas@kmlawgroup.com
Matthew M. Herron	on behalf of Debtor Bryan K. Kelly mmh@thedebtdoctors.com hgs@thedebtdoctors.com;alb@thedebtdoctors.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedwpa.com

District/off: 0315-2

User: jhel

Page 3 of 3

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S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com

TOTAL: 5